

# MEMO ENDORSED

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JUNE 9, 2021

Chambers of District Judge Katherine Polk Failla  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, New York 10007

**Re: Testa's Leasing, Inc. v. Pomona Lane Partners LLC, et al.**  
**Docket No. 20-cv-3781 (KPF)**

Dear Judge Failla:

This office is co-counsel to Plaintiff Testa's Leasing, Inc. We are scheduled to have a conference tomorrow, June 10, 2021, at 10:30 a.m. It was originally scheduled to be an in-person conference which the Court recently changed to be a telephone conference.

I write to request, on behalf of all parties and counsel, a two-week adjournment of the conference due to a settlement of the case which is being consummated. A settlement agreement and stipulation of voluntary dismissal is being circulated and has already been partially signed, and it is expected it will be fully executed no later than tomorrow.

Given these circumstances, it is respectfully urged the Court adjourn the conference for a two-week period which would allow the parties the ability to fully execute the paperwork, consummate the settlement and have the stipulation of voluntary dismissal filed with the Court.

I thank the Court for its kind courtesies and am hopeful the Court can accommodate this request on behalf of all parties and counsel.

Respectfully submitted,

Michael J. Langer

MJL/spk

cc: Condon Paxos PLLC (counsel for Defendants)  
Crisp Cherry McCraw PLLC (co-counsel for Plaintiff)

The Court is pleased to hear the parties have reached a settlement. All deadlines and conferences in this matter are hereby adjourned. Furthermore, the Court ORDERS that this action be conditionally discontinued without prejudice and without costs; provided, however, that on or before **July 9, 2021**, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of the Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar on or before **July 9, 2021**.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

Dated: June 9, 2021  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE